

1642  
Patent Docket P5007R1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  Gao et al.  Serial No.: 09/929,769  Filed: August 14, 2001  For: <i>Compositions and Methods for the Diagnosis and Treatment of Tumor</i>	Group Art Unit: 1642  Examiner: Rawlings, S.  <b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on  April 23, 2003   Teri Lee
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AMENDMENT TRANSMITTALAssistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Additional Fees
Total	15	-	15	0	18	\$0.00
Independent	1	-	1	0	84	\$0.00
___ 0 Multiple dependent claim(s), if any					280	\$0.00
Total Fee Calculation						\$0.00

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GROUP 1700

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No additional fee is required.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$. **A duplicate copy of this transmittal is enclosed.**  
Petition for Extension of Time is enclosed.

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,  
GENENTECH, INC.

Date: April 23, 2003

By:

Mark T. Kresnak, Ph.D.  
Reg. No. 42,767  
Telephone No. (650) 225-4461



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PATENT TRADEMARK OFFICE



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RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

This is in response to the Restriction Requirement (Paper No. 7) mailed herein on April 9, 2003 setting a due date for response of May 9, 2003.

The Commissioner is authorized to charge any fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 07-0630.

In response to the outstanding Restriction Requirement, Applicants elect for further prosecution herein the claims of Group III, namely Claims 1-15 drawn to an antibody, conjugate or derivative thereof that binds to a polypeptide having an amino acid sequence having at least 80 percent sequence identity to the amino acid sequence of SEQ ID NO:7. This election is made without traverse.

Also, with regard to the required species election, Applicants elect an antibody conjugated to a maytansinoid.

In light of the election made herein and in the interest of expediting the prosecution of this case, Applicants also request that the claims be amended as follows.

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